

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILMER B. GAY,
Plaintiff

v.

VINCENT MOONEY,
WILLIAM FULMER,
Defendants

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CIVIL ACTION

No. 02-4693

ORDER

AND NOW, this 17th day of June, 2005, upon consideration of plaintiff's Motion for Reconsideration and to Reinstate the Motion for Stay (Paper #76), and defendant Mooney's response thereto (Paper # 79), and after a determination that:

- a. A motion for reconsideration must be filed within ten (10) days, and the Federal Rules of Civil Procedure do not contemplate multiple motions.
- b. Disagreement with a court's decision normally should be raised through the appellate process. Birmingham v. Sony Corp. of America, Inc., 820 F.Supp. 834, 859 n. 8 (D.N.J. 1992), aff'd, 37 F.3d 1485 (3d Cir.1994)).
- c. A party should not restate arguments which the court has already considered. see NL Industries, Inc. v. Commercial Union Ins. Co., 935 F.Supp. 513, 516 (D.N.J.1996);
- d. Reconsideration motions "will be granted only where (1) an intervening change in the law has occurred, (2) new evidence not previously available has emerged, or (3) the need to correct a clear error of law or prevent a manifest injustice arises." North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir.1995)).

It is **ORDERED** that:

1. Plaintiff's Motion (Paper #76) is **DENIED**.

2. Plaintiff shall file no additional Motions to Reconsider pertaining to this order or previous orders in this action.

/s/ Norma Shapiro

Norma L. Shapiro, S.J.